Don Gehring

INSTITUTIONAL APPROACHES

TO THE ADJUDICATION OF

STUDENT MISCONDUCT

A Special Report of

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Institutional Approaches to the Adjudication of Student Misconduct

A Special Report
of
The NASPA Division
of Research and Publications

Prepared and Presented
by
Thomas B. Dutton
Fred W. Smith
Thomas Zarle

Foreword

In the fall of 1967, when this investigation was initiated, it seemed clear to the NASPA Division of Research and Publications[1] that procedures for processing cases of misconduct were undergoing careful examination and change as greater concern was expressed for protecting fundamental rights of students in the adjudication of conduct problems. Pressures for revising the adjudicatory process were the result of recommendations of campus governance commissions and other bodies as well as of court decisions concerning institutional disciplinary actions.

It was clear also that at issue was not just modification of procedures to satisfy students and to conform to legal precedent but, more importantly, the institution's relationship with its students and the maintenance of educational approaches to discipline in the face of increasing involvement of the courts. The crucial consideration seemed to be how to adjust policies and practices to accord greater protection to the student and, at the same time, to reflect in the adjudicatory scheme a fundamental commitment to established educational objectives and basic concepts of individual and community development.

Another obvious concern was who should participate in the administration of discipline. In particular, the issue seemed to revolve around the role of the student personnel staff in conduct matters. There was evidence that on many campuses attempts were being made to significantly change this role, primarily on the basis that certain dimensions of the traditional involvement of the dean of students could potentially create conflict between the counseling and helping functions and cause negative student perceptions of his effectiveness and personal commitment to student welfare.

In light of these pressures, the division felt that an investigation of current practices concerning the administration of discipline should be initiated to stimulate a reappraisal of conduct systems in NASPA institutions as well as the dean's role in discipline, and to provide data that could serve as a basis for possible modification of existing procedures.

The writers formulated the purpose, design, and methodology of the study and developed the initial draft of the questionnaire. Members of the division made valuable suggestions regarding the format of the investigation and played an important role in the development of the questionnaire. The task of tabulating and analyzing the data was assigned to Fred Smith, Thomas Zarle, and Thomas Dutton, who served as coordinator. Special note should be made of the excellent work of Thomas Zarle who completed the computer work and statistical analyses. Responsibility for interpreting the data and composing the research report was shared by the authors. Mrs. Barbara Bluestone also provided valuable editorial assistance in the preparation of the monograph for publication.

[1] Members of the division were: Thomas B. Dutton (Director), Dean of Students, Oakland University; James C. Dickerson, Assistant Professor of Education, University of Iowa; Walter R. Friesen, Dean of Instruction and Human Development, Pima County College; Jerry H. Godard, Acting Dean, Guilford College; O. W. Lacy, Dean of Students, Franklin & Marshall College; and Mark W. Smith, Dean of Men, Denison University.

The project could not have been completed without the support and financial resources provided by the NASPA Executive Committee. In addition, special appreciation must be expressed to the many NASPA members who submitted the data for this report. Their excellent cooperation is reflected in the fact that 86 per cent of the questionnaires were returned.

In the course of processing the data, other analyses than those reported could have been made, but the number of analyses was restricted to permit distribution of the available data as quickly as possible. In addition, many more interpretive comments on the data presented could have been made, but again it was felt that the report should be limited to essential comments so that it could be distributed while the results were still current and relevant.

Much of the data is self-explanatory and stands by itself as reference information for the reader. For this purpose, particular attention should be directed to the tables in the section on the analysis of results and in Appendix B. These tables contain important reference data that should be of value to any institution undertaking an evaluation of its adjudicatory procedures.

It is our hope that this report will stimulate reappraisals of the purpose of conduct procedures and actions in the context of current educational objectives and concepts of student development. Institutions should become more cognizant of the relationship of their administrative policies and practices to the broader and more important aspects of student development, community viability and the fulfillment of institutional goals.

If colleges and universities can refine their procedures within the framework of fundamental concepts of learning, behavior change, and community development, they will have made a significant contribution to the educational process. Perhaps the data presented will encourage the initiation of such refinements.

Thomas B. Dutton
Director, NASPA Division
of Research and Publications

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Introduction

Established procedures for dealing with student violations of institutional standards are coming under increasing scrutiny as a result of pressures from individuals and organized groups. Increasingly, these elements are forcing colleges and universities to reconsider the protection of the student's rights in the adjudication of infractions of institution-formulated regulations. Through lawsuits and verbal complaint by civil libertarians, institutions will be challenged increasingly in the years ahead to establish greater conformity between the defined guarantees of civil and criminal justice and the often hazy procedures for handling student transgressors of institutional regulations.

The trend toward questioning institutional disciplinary procedures and actions is well illustrated in a recent court case involving 22 students at the University of Colorado.[2] The students requested in Federal Court that an injunction be issued to prohibit that institution from taking disciplinary action against them for their part in a campus demonstration. They charged that they had been denied the fundamentals of due process and that the punishments levied violated the concept of equal protection of the law. Although the judge ruled in favor of the University of Colorado and commended the institution for observing reasonable standards of due process, the institution was required to defend its action in court and, in the process, expend considerable time and state funds.

Such confrontations do not indicate that the courts are seeking to assume responsibility for disciplinary functions hitherto reserved for bodies of higher education; there has been no significant interference with the substance of conduct decisions where basic standards of procedural due process and fundamental constitutional rights have been observed by the school. Yet it is significant that the courts have shown an increasing propensity to accept cases challenging disciplinary actions, administered by colleges and universities as well as the adjudicatory process followed. And one might therefore wonder whether the courts, which have so far been concerned primarily with protecting the fundamentals of procedural due process, will not eventually begin to focus attention on issues related to substantive due process.

The groundwork for court review of student conduct cases was laid in such cases as *Dixon* v. *Alabama State Board of Education,* in which the court ruled that education is no longer a privilege but a right, by virtue of the fact that it has clearly become a prerequisite to personal and economic progress. To deny a student the advantages of higher education is therefore an abridgment of a basic right and subject to legal action, requiring adherence to the rudiments of due process.[3]

It should be pointed out, however, that the concept of higher education as a right is not universally accepted. In the spring of 1968, the Wisconsin Senate passed a bill based on the philosophical position that education in state institutions is a privilege

[2] American Council on Education, *Higher Education and National Affairs,* XVII, 6, February 9, 1968, pp. 10-11.

[3] 294 Fed. Rep. 2d 150, USCA, 1961

not a right because state schools receive considerable public funds and the public is not obliged to support students who are unworthy of enjoying the benefits of higher education.[4] Moreover, in the case of *Goldberg* v. *The Regents of the University of California,* the court ruled not only that education is a benefit rather than a right, but in addition that the University of California has the authority to establish the conditions that must be fulfilled before this benefit can be received. The only stipulations made by the court were that basic constitutional rights be observed in the establishment of campus rules and that the fundamentals of due process be followed in the adjudication of conduct problems.[5]

At the same time that campus disciplinary actions and procedures have received the attention of the courts they have also been subject to careful examination by an increasing number of student, faculty, and administrative groups. Within the past two years, commissions at the University of Michigan[6], the University of California at Berkeley[7], Cornell University[8], and other institutions have issued reports proposing major changes in the administration of discipline. Basically, these reports have recommended major restructuring of the adjudicatory process in the direction of greater involvement of the academic community and the extension of student rights.

The examples of court review and the studjes of conduct procedures by the internal bodies mentioned above strongly suggest that college administrators must begin to assume the initiative in examining the relationship between the nature and purposes of institutional procedures and accepted standards of due process. Pressures for modification of adjudicatory procedures will clearly intensify in the future, and administrations must in response be willing to adapt their policies in ways that contribute to student development, to the realization of educational objectives, and to the fair treatment of students.

They must at the same time, however, be prepared to resist those changes that would threaten the relationship between student and institution and disturb the bases of a viable academic community, or that would substitute a legal structure for an educational approach to the resolution of conduct difficulties. James A. Perkins, president of Cornell University, supported this approach when he said, "Law courts are a last resort, to be used only when human relations fail. If education is to be regarded as a necessary means to a civilized society, the academic community must lead the way by conducting itself with civility and learn again to be in truth a community."[9] He

[4] "People, Places and Things," *College Management,* February, 1968, p. 6.

[5] 1 Civil No. 23,556, State of California, February 28, 1967.

[6] *Report of the Commission on the Role of Students in Decision Making,* (University of Michigan, Ann Arbor, 1968).

[7] Study Commission on University Governance, *The Culture of the University: Governance and Education,* (University of California, Berkeley, 1968).

[8] Allan P. Sindler, *Report of the University Commission on the Interdependence of University Regulations and Local, State, and Federal Law,* (Cornell University, Ithaca, New York, 1967).

[9] James A. Perkins, *The University and Due Process,* (Washington, D.C.: American Council on Education, 1967), p. 11.

further stated, "Not all the courts in the country, working full time on academic problems, could ever construct the peculiar environment in which a well-balanced learning community can either function or flourish."[10]

Purpose of the Study

To provide guidelines for institutions examining their conduct procedures and attempting to evolve patterns that recognize both individual and community needs, the NASPA Division of Research and Publications instituted a survey of how NASPA institutions throughout the country approach the adjudication of conduct problems.

The study was designed to identify:

(a) practices and procedures followed in processing student misconduct problems,

(b) rights accorded to students during the administration of discipline,

(c) the purposes of disciplinary procedures and action.

Finally, the study sought to uncover other topics that required investigation. No attempt was made to gain insight into the substantive bases of the adjudicatory procedures and student rights. To a considerable extent, the investigation was concerned with those dimensions of disciplinary proceedings and actions which can be, and often are, legally contested.

In addition, the study did not intend to supply data in support of a particular set of adjudicatory procedures or disciplinary concepts. It sought instead to collect data that could be used by institutions in refining their disciplinary philosophy and procedures to reflect their unique educational objectives, philosophy, traditions, and practices.

Methodology

Data for the study were gathered through a questionnaire developed by the writers, modified by the division, and reviewed by a number of student personnel administrators in the Midwest. (A copy of the questionnaire is contained in Appendix A.) The instrument included items covering basic concepts, principles, and procedures put forward by the American Civil Liberties Union, the "Joint Statement on the Rights and Freedoms of Students," recent court cases dealing with the administration of discipline in colleges and universities, and relevant literature.

To facilitate completion of the instrument and simplify the process of data analysis, most items were designed to permit a simple "yes" or "no" response, and the number of open-ended questions was limited. The instrument was mailed in December 1967 to the 651 NASPA member institutions, and completed by 558, or 86 per cent.

[10]Perkins, p. 13.

The institutions from which data were received fall into the following categories: (a) public university (28 per cent); (b) Protestant college or university (21 per cent); (c) Catholic college or university (14 per cent); (d) independent liberal arts college (12 per cent); and (e) public liberal arts college (10 per cent). The remaining 15 per cent are independent universities, teachers' colleges, technical institutions, or junior colleges. Approximately 44 per cent of the institutions are public, and 35 per cent church related (Table 10).

Enrollments of 65 per cent of the institutions number fewer than 5,000: 33 per cent have fewer than 1,500; 32 per cent range between 1,500 and 5,000. Sixteen per cent have populations of between 5,000 and 10,000, and 19 per cent enroll more than 10,000 students (Table 11). In nearly two-thirds of the institutions, 50 per cent or more of the students reside on campus, and fewer than 30 per cent live in the community or at home (Table 12).

The geographical distribution of the institutions is as follows: 30 per cent in the New England/Middle Atlantic region; 40 per cent in the North Central states; 19 per cent in the South; and 11 per cent in the West (Table 13). Fifty-four per cent of the institutions are located in or adjacent to a large metropolitan area.

Data analysis[11] on the questionnaires returned was undertaken in several stages. First, a general questionnaire analysis was conducted which yielded frequency and percentage results for all 558 respondents on the complete questionnaire (79 questions). The second phase consisted of a chi-square analysis of each of the 71 yes–no questions based on the following variable classifications: type of institution, size of enrollment, location (i.e., urban or nonurban school), and geographical region. The results from the chi-square analysis were then used to develop further questionnaire analysis subgroupings.

The "significant" chi-squares were identified and only those questions which yielded significant results for one or more of the four variable classifications were subjected to further study. Items on which there were "significant differences"[12] but which were not highly representative of the primary aspects of the adjudicatory process were eliminated. Thus 26 questions were selected for the final analysis.

The subgroups consisted of different combinations of the variable classifications. The number of institutions in each of the various subgroups determined which subgroups warranted further analysis (e.g., public schools with enrollments exceeding 10,000 students). Additional questionnaire analysis consisted of frequency and percentage tabulations of the 26 selected questions for each of the subgroups.

The presentation of the data follows, in sequence, the pattern of analysis described above. The first section deals with results for the total sample on all items on the

[11] This analysis consisted of response frequencies and percentages run on the IBM 1620 computer in the Oakland University Computing and Data Processing Center. The chi-square analysis was run by the Michigan State University Computer Laboratory.

[12] All reference to "significant differences" relates to statistical significance as determined by the chi-square test.

questionnaire. The succeeding section focuses on the results of the chi-square test and the frequency and percentage comparisons for selected questionnaire items on the basis of type, size, and location of institution. Data are presented both on responses by major variable classifications and on responses by subgroupings of the major classifications.

These discussions are followed by a section on the data related to the role of the dean of students in the administration of discipline. After presenting the major findings of the study and suggestions for further research, the monograph concludes with a discussion of models dealing with the dean of student's involvement in the adjudication of a student misconduct case and a series of questions raised by the inquiry.

Analysis of Results

The questionnaire items covered eight major areas: investigatory and hearing procedures in the adjudication of conduct problems, administration of conduct records, adjudication of violations of law on the campus and in the community, factors instrumental in the development of judicial procedures, rationale behind conduct procedures, factors involved in making judicial decisions, and the role of the dean of students in the administration of discipline. No attempt was made to investigate the substantive foundations of conduct procedures or overall adjudicatory schemes; rather the questionnaire sought to identify the general nature of the procedural framework from which institutions operate as they attempt to resolve student infractions of institutional regulations.

The questionnaire required respondents to differentiate between those types of conduct situations that would normally result in action requiring "dismissal" and those that would most likely elicit penalties short of dismissal. The data suggest that the investigatory and hearing procedures implemented in both situations are basically similar; that is, most institutions tend to follow the same procedures of due process in potential dismissal cases as they do in "less than dismissal" cases. Because of this similarity, the following sections present only those results related to dismissal cases.

Investigatory Procedures

In order to ascertain what kinds of procedures accompany the investigation of a misconduct charge (that is, prior to a formal hearing), respondents were asked to indicate whether or not they engage in a series of actions that are recognized as steps of due process (Table 1). As might be expected, 97 per cent answered that the student is granted a personal interview with an "appropriate institutional official" before any further action is taken in his case. In addition, more than 95 per cent of the institutions orally inform the student of the details of the misconduct charge against him and of the prevailing judicial process and his rights within that process.

TABLE 1
Investigatory Procedures

Category	Yes (Per Cent)	No (Per Cent)	N
The student involved is:			
Interviewed by a college official	97	3	548
Orally informed of charges	96	4	542
Informed of existing judicial procedures and rights	97	3	541
Provided with names of witnesses	73	27	521
Provided with a written statement of charges	73	27	537
Given written notification of the time and place of hearing	78	22	541
Restricted while action is pending	18	82	544

Only three-fourths of the institutions give the accused the names of witnesses who are testifying against him, a written statement specifying the misconduct charges, and written notification of the time and place of the formal hearing. It is interesting to note that although almost all of the institutions engage in some oral contact with the student about his situation, only about three-fourths of them provide him with some form of written communication about the matter. This practice will undoubtedly change as pressure for a more legalistic approach is intensified. A partial explanation of the low incidence of written communication may be in the fact that 65 per cent of the respondents represented institutions with enrollments of fewer than 5,000; perhaps in such institutions the need for written communication is not so strongly felt as in their larger counterparts.

The respondents were also asked to indicate whether any restrictions are placed on a student while disciplinary action is pending (excluding situations when his status must be altered to protect himself or others). The data collected indicated that nearly one-fifth of the institutions do place some type of restriction on the student while his case is being processed.

Hearing Procedures

The data in this section pertain to procedures followed and rights accorded the student with regard to a formal hearing (Tables 2 and 3). Here we find that, regardless

TABLE 2
Hearing Procedures

Category	Yes (Per Cent)	No (Per Cent)	N
The student involved is:			
Given option of administrative or committee review	39	61	538
Permitted legal counsel	49	51	515
Allowed other counsel	86	14	524
Allowed to call witnesses	97	3	529
Allowed to ask questions of witnesses and the judicial body	98	2	533
Permitted to refuse to answer questions	87	13	519
Allowed to elect not to appear	55	45	528
Judged only on evidence presented at hearing	93	7	530
Given written notification of the decision	95	5	536
Given explanation of the reasons for the action	97	3	544
Parents are informed of action when the student is:			
Under 21	91	9	536
21 or over	62	38	519
The student involved is also:			
Permitted the right of appeal when the decision has been made by:			
a) An administrative officer	96	4	502
b) A judicial body	89	11	515
Conditions students must fulfill to be granted appeal:			
Show that the hearing was unfair	41	59	359
Show that relevant evidence has not been reviewed	46	54	368
Submit new evidence	44	56	372
Request only (no special conditions need be met)	78	22	499

of the type of misconduct, nearly two-fifths of the institutions responding to the questionnaire give the student the option of having his case handled by an administrative officer or by a judicial body. However, only one-half of the institutions allow the student to be accompanied at the hearing by legal counsel, although 86 per cent indicated that he may be accompanied by some other form of counsel (such as a faculty member, staff member, or another student).[13] Additionally, almost every institution allows the student to call witnesses in his behalf (97 per cent) and to question the judicial body and any witnesses at the hearing (98 per cent).

Another important aspect of the study was concerned with the manner in which a final decision is reached and implemented via the hearing. Institutions seem to be somewhat relaxed in their demands for a student's participation in his own conduct evaluation. Eighty-seven per cent of the institutions stated that a final decision would not be biased against the student who elects to refrain from answering any questions concerning his alleged misconduct. But the respondents were almost equally divided on the issue of whether a student should be allowed to abstain from making a personal appearance before the judicial body conducting the hearing. Ninety-three per cent of the respondents indicated that the final decision reached in a hearing is based only on evidence presented at the hearing and that the student is advised of the content and source of any statements made against him and is granted the right of rebuttal.

Almost all of the institutions reported that written notification of the final decision is provided for the student and that the reasons for the decision are explained to him, if he so requests. With regard to parental involvement in this process, it was found that 91 per cent of the institutions inform the parents of any action taken in a conduct situation when the student is under 21 years of age; 62 per cent if the defendant is over 21.

Closely related to the procedures involved in making a conduct decision is the right to appeal that decision. Most institutions in this study grant the student the right to appeal a verdict to higher authorities. As might be expected, the right to appeal is more likely to be granted if the decision was made by an administrative officer than if it resulted from deliberations by a judicial body. Among those institutions that allow appeals, almost 80 per cent grant them automatically upon request of the student. Institutions which do not permit automatic appeal indicated that the student must demonstrate one or more of the following: (a) that he did not receive a fair hearing, (b) that certain relevant evidence was not reviewed, or (c) that new evidence is available. Over one-fifth of the schools that provide for appeals require that the student's request meet some factual criterion before the appeal is granted. Finally, almost one-tenth of the respondents grant no appeals under any circumstances.

The hearings themselves are closed in almost every institution; a few schools hold public hearings unless the student specifically requests that they be closed (Table 3).

[13]On the question dealing with legal counsel the responses differed markedly for dismissal and nondismissal cases. Only one-third of the institutions permit legal counsel in nondismissal cases, whereas one-half allow such counsel in dismissal cases.

In view of current pressures toward a more legalistic framework, it is interesting to note that 30 per cent of the institutions represented in this study do not maintain a record of judicial hearing proceedings in any form and that one-fourth of those who do are not willing to make this information available to the student involved.

To ascertain whether (and how) institutions disseminate information to their student bodies about expected standards of conduct and the possible ramifications of misconduct, the respondents were asked to indicate whether information regarding standards

TABLE 3
Hearing Procedures (continued)

Category	Yes (Per Cent)	No (Per Cent)	N
Judicial hearings are:			
Always public	1	99	437
Public (unless student requests a closed hearing)	15	85	423
Always closed	83	17	506
An official record of hearing is maintained	70	30	531
Office record is available to student	75	25	381
Standards of behavior are published	94	6	547
Conduct procedures and rights are published	76	24	542
Students participate in formulation of standards	80	20	538
Judicial bodies contain:			
Administrators	71	29	543
Students	78	22	544
Faculty	85	15	532
All judicial bodies must implement a common set of procedures	84	16	528
Case investigators serve as voting members of judicial body	33	67	529
Existing procedures are circumvented because of the nature of the case	36	64	500
Acts of academic dishonesty and student misconduct are processed in the same way	44	56	517

of behavior, disciplinary procedures, and student rights are available to the campus community in some published form. Interestingly enough, 94 per cent of the institutions responded that they attempt to communicate the standards of behavior which they deem appropriate. Three fourths of the respondents indicated, however, that they provide published information concerning the procedures followed in disciplinary cases and the rights of students in such situations. Moreover, 80 per cent of the responding schools allow students to participate in the process of formulating the behavioral standards considered essential to the educational mission and community life of the institution.

In almost every situation represented by this study an attempt is made to clarify for the student the institution's expectation of him, but less attention is devoted to clarifying the expectations that the student might hold of the university in the adjudication of conduct cases.

Three questions on the composition of judicial bodies revealed that top level judicial bodies more often contain faculty than either students or administrative personnel. In 85 per cent of the institutions, the faculty is represented on such bodies; students are represented in approximately 78 per cent; and the administration in only 71 per cent. In only one-third of the schools does a case investigator serve as a voting member of the judicial body.

Answers to a question on the pervasiveness of specific procedural guidelines revealed that more than 80 per cent of the judicial systems studied are obliged to implement a common set of procedural guidelines for all adjudicatory bodies. In other words, most of the institutions require that each judicial body in their system (regardless of its functional level) follow the same or similar procedures of due process.

Furthermore, two-thirds of the institutions indicated that they do not circumvent their established procedures even in special cases. Of those institutions which acknowledged that they do make exceptions, 47 per cent do so if the case involves a psychological problem; 48 per cent, if such action is considered to be in the "best interest of the student" involved. The remaining five per cent indicated that they alter their procedures only if such action is in the "best interest of the institution." Those schools which do not alter their procedures most likely assume (correctly or not) that their procedural systems are able to process all cases fairly and justly without deviating from established procedures.

In nearly one-half of the institutions, academic and nonacademic violations are processed according to a common set of procedural guidelines. In 88 per cent of those schools in which academic violations are handled differently than social and personal conduct violations, the instructor, departmental chairman, academic dean and/or an academic committee acts on such infractions according to specific academic procedures. In ten per cent of the institutions such violations are considered by a student honor committee and in only two per cent by the dean of students or some other member of the student personnel staff.

Administration of Conduct Records

Several items dealing with the handling of student behavioral records were included in the questionnaire (Table 4). First, respondents were asked whether the conditions of access to student records in their institutions are set forth in a policy statement. Almost as many replied negatively as affirmatively. Many institutions noted, however, that they are in the process of either developing or revising their policies. (The NASPA study on controversial issues found a similar paucity of formal policy formulation regarding student records–60 per cent did not have a formal policy).[14]

Very few institutions enter all kinds of disciplinary action on the official academic transcript. The majority of institutions record only information on suspension and dismissal actions. Furthermore, a substantial number (27 per cent) include only action pertaining to academic disciplinary matters. It should also be pointed out that respondents frequently indicated that only academic information is recorded on official transcripts.

Approximately half of the institutions delete notations of disciplinary actions from academic transcripts on completion of the penalty; the other half do not remove such actions for a period of time beyond the termination of the penalty.

Almost every institution claimed to consider a student's previous conduct record in adjudicating subsequent violations if the student were still serving out the penalty imposed in a previous conduct case. About one-third of the respondents stated, however, that a student's previous record has no bearing on the adjudication of later incidents if the student has subsequently been restored to good standing.

As a matter of policy, most institutions allow students to see their own records and grant authorized administrative personnel access to all records. About three-fourths of the respondents also release information to "authorized" faculty members and to parents. The respondents were almost equally divided, however, between those that provide conduct information to governmental agencies or to other educational institutions for transfer purposes and those that refuse such information. In fact, as many as 51 per cent of the institutions indicated that, as a matter of policy, they release records to such governmental agencies as the FBI. And almost 20 per cent give conduct data to prospective employers. The respondents were almost unanimous in stating that they do not release information to unauthorized members of the campus community.

The indication is clear that institutional practices regarding the release of student records are not uniform among NASPA institutions. While some are reluctant to provide information to anyone outside of the administrative staff and faculty, others exercise little restraint. It is interesting to note that 12 per cent of the institutions do not allow students to see their own record. Although a significant number of

[14]Thomas B. Dutton, James R. Appleton, and Fred W. Smith, *Institutional Policies on Controversial Topics*, (NASPA Division of Research and Publications, 1968), p. 42.

TABLE 4
Administration of Conduct Records

Category	Yes (Per Cent)	No (Per Cent)	N
Policy statement on access to records	55	45	543
Academic transcripts contain:			
Information on all disciplinary action	14		480*
Only information on academic disciplinary action	27		480
Only information on suspension or dismissal action	59		480
Conduct notation removed from transcript when action is terminated	52	48	455
Student's previous conduct record considered in the adjudication of subsequent violations of campus regulations when:			
The penalty is in effect	95	5	533
The penalty has been terminated	67	33	511
Conduct records are revealed to:			
The student for whom the record exists	88	12	534
Authorized faculty	76	24	519
Authorized administrative personnel	94	6	534
Unauthorized members of the campus community	3	97	512
Prospective employers	19	81	509
Governmental agencies (FBI, military, etc.)	51	49	516
Other schools	60	40	518
Parents	76	24	515
Conduct records are maintained:			
Permanently	27		533*
For an extended period beyond graduation but not permanently	46		533
Only until graduation	21		533
Only while the disciplinary action is in effect	6		533

*Respondents were asked to check the appropriate category rather than to give a yes or no response to each item; accordingly, the N is the same for these items.

institutions release information as a matter of course to employers and, to a greater extent, governmental agencies, almost half of these respondents have no policy statements that specify the conditions of access to student records. This implies, of course, that in many institutions students are not aware that information from their records can be released to outside agencies.

Although there seemed to be little consensus on how long conduct records should be maintained, very few institutions stated that they destroy their records as soon as the disciplinary action is terminated. About one-fourth of the institutions indicated that they keep some permanent record of conduct situations. About the same number said that they maintain records only until the student graduates. Nearly half replied, however, that they keep conduct records for an extended period beyond graduation, but not permanently.

Adjudication of Violations of Law

The questionnaire asked for a response to the following questions in the area of law infractions and institutional involvement:

(a) What action does the institution take if civil action has already been administered?
(b) What institutional action is taken if civil action is pending?
(c) What does the institution do about violations of civil law that occur on the campus? (Table 5).

Nearly two-thirds of the institutions stated that a student's involvement in a civil offense off-campus does not jeopardize his standing as a student, unless he presents a serious threat to the academic community. In view of the rather frequent student agitation over double jeopardy in the processing of civil violations by institutions, it is surprising to find that so many institutions do not penalize a student for involvement in a civil offense.

When asked what they do while action for violations of civil law is pending, one-fifth of the respondents said that they take no action regardless of civil adjudication. Almost as many replied that they deal with the case immediately without regard to the impending action of the court. Slightly more than half of the institutions indicated that they wait until a court decision is rendered before deciding whether or not to take action.

How do institutions approach the problem of on-campus violations of civil law? About half of the respondents stated that their institutions handle misdemeanor cases and refer more serious violations to civil authorities. A substantial number (27 per cent) replied, however, that their schools process all infractions. On the other end of the continuum, only 12 per cent indicated that all violations are referred to local law enforcement agencies. An approximately equal number responded that action depends on the circumstances in each case.

TABLE 5
Adjudication of Violations of Law

Category	Yes (Per Cent)	No (Per Cent)	N
Student is subject to disciplinary action when the court has imposed punishment	38	62	538
While civil action is pending the institution will:			
Take no action	20		517*
Act only after the court has rendered a decision	56		517
Take action without waiting for the court to act	19		517
Act on each case individually	5		517
On-campus violations of civil law are handled:			
Always by the institution	27		509*
By the institution in misdemeanor cases	47		509
Always by community law enforcement agencies	12		509
On the basis of the merits of each case	14		509

*Respondents were asked to check the appropriate category rather than to give a yes or no response to each item; accordingly, the N is the same for these items.

Purposes and Factors Underlying the Development and Implementation of Judicial Procedures and Actions

The questionnaire included one open-ended question and two ranking items covering the following elements of the judicial process:

(a) the factors most influential in the development of existing judicial procedures;
(b) the purposes underlying these procedures;
(c) the factors considered most important in making conduct decisions.

These three areas are not mutually exclusive, and there was a great deal of overlap as well as congruence among the responses elicited.

The factors cited as most influential in the development of present judicial procedures, listed in order of the frequency with which they were mentioned, appear in Table 6. Most often, institutions suggested that present procedures had been developed by the administration without pressure from other sources. Although court decisions were also deemed important, less significance was attached to student pressure and the recom-

mendations of professional organizations and their formal statements–e.g., the "Joint Statement on the Rights and Freedoms of Students."

By virtue of the fact that deans are themselves part of the administrative establishment, it is difficult to evaluate the fact that they credit the administration as having provided initiative in formulating institutional procedures in due process. It is impossible to assess the extent to which such factors as court decisions and foreseeable student pressure stimulated administrative initiative. Furthermore, court decisions are often influenced by the actions of professional organizations, making their role difficult to judge accurately.

TABLE 6
Factors Most Instrumental in the Development of Judicial Procedures

Category	Per Cent (N=677)
Administrative initiative	31
Court decisions	20
Student pressure	17
Influence of professional organizations	11
Other	21

The two most important purposes of conduct procedures in the eyes of the deans are to protect students from unfair treatment and to assure that student development needs are considered (Table 7). Less importance is attached to protecting the academic community from disruptive behavior and assuring that violations are dealt with efficiently and consistently. The purposes that rank at the bottom of the scale relate to the maintenance of campus standards and protection of the institution from lawsuit. Although the fact that court decisions are to some extent influential in determining institutional policies (see Table 6) may raise some concern about the increasing legalization of the student-institution relationship, the evidence in Table 7 indicates that protecting the institution from lawsuit is the least important of the purposes underlying judicial policies and that the welfare of students takes priority over other concerns.

What factors play a role in determining the action taken in a misconduct case? Those mentioned most frequently–in fact by more than half of the respondents–were the

TABLE 7
Purposes of Judicial Procedures

Category	Average Rank	Percentage of N Ranking Each Item First or Second	N
To protect the student from mistreatment	2.15	69	496
To assure that the student's development needs are considered	2.52	58	488
To safeguard the academic community from disruptive behavior	3.22	34	486
To assure that violations are dealt with efficiently and consistently	3.49	25	488
To maintain campus standards	3.80	17	488
To protect the institution from lawsuit	5.54	3	473

TABLE 8
Factors Considered in Making Judicial Decisions

Category	Rank	Percentage of Total Response (N=1019)*
The facts of the case	1	32
Welfare of the student	2	24
Welfare of the school	3	13
Student's previous record	4	12
Impact on the student body	5	9
Motivation of the student	6	7
Precedent set by previous decisions	7	3

**This figure represents the total number of times any one of the above factors was chosen as important in making conduct decisions.*

evidence presented and consideration for the welfare of the student (Table 8). Other considerations expressed frequently were the welfare of the institution, the student's previous record, and the effect of the decision on the student body.

In conclusion, then, the majority of institutions perceive themselves as having assumed the initiative in establishing and modifying their judicial procedures. They pointed out, however, that such factors as court cases and student pressure also influence their decisions to alter their practices. Although a number of elements are considered important in the establishment of judicial procedures and in the adjudication of conduct situations, both the procedures and the factors involved in their implementation reveal a high level of concern for the protection and welfare of the student. Concern for orderly procedures and the welfare of the institution are considered to be secondary.

Inter-Institutional Comparisons on Selected Items

In the previous sections, data from the total populations were analyzed without regard for responses of subpopulations. To provide a better understanding of the data, this section will focus on the results of the chi-square analysis (Table 9 and 15) and percentage comparisons (Table 16) on the basis of geographical region and institutional size, type, and location (i.e., urban-nonurban). Additional information on responses by various subpopulations appear in Table 17. The items for which data are presented in Tables 16 and 17 were chosen on the basis of reasonably large response differences in the total population as identified by the chi-square analysis. Likewise, only those subpopulations which contained a sufficient number of institutions to warrant analysis are included in the tables.

Investigatory and Hearing Procedures–Two questions pertaining to the investigatory process elicited responses that indicate significant institutional differences: prior to disciplinary action are students provided with (a) names of witnesses against them, and (b) written notification of the time and place of the conduct hearing? Schools located in the New England and Western accrediting regions give written hearing notification more often than those in the North Central region.[15] Public schools in the West, regardless of enrollment size, showed a high rate of affirmative response to the question regarding witnesses. The same was true of public New England schools with enrollments over 10,000. On the other hand, Protestant institutions in the West with fewer than 5,000 students tend not to provide names of witnesses.

Regional differences are apparent on the matter of providing written notification of hearings. Generally speaking, New England and Western institutions adhere to this policy, whereas those in the North Central region do so less frequently. An exception to this generalization is to the small Western, independent schools which indicated a low "yes" response (43 per cent). Likewise Southern schools of the same type and size responded affirmatively in only 56 per cent of the cases.

[15]With respect to region, the following conventions will be adhered to throughout: New England will refer to the New England/Middle Atlantic states; West will include Western and Northwestern states.

TABLE 9

Subpopulation Differences as Determined by Chi-Square Analysis

	Category	Type	Direction of Differences	Region	Direction of Differences	Size	Direction of Differences	Location	Direction of Differences
I.	Investigatory and Hearing Procedures								
	Give names of witnesses	Public	yes						
		Protestant	no						
	Provide written notification of time and place of hearing	Public	yes	New England	yes				
		Protestant	yes	Western	yes				
				North Central	no				
	Grant option of administrative or committee review			New England	yes				
				North Central	yes				
				Southern	yes				
				Western	no				
	Permit legal counsel	Public	yes	Western	yes	5,000-10,000	yes		
		Independent	no	New England		>10,000	yes		
		Protestant	no			< 1,500	no		
	Permit other counsel	Public	yes			<10,000	yes		
		Independent	no			5,000-10,000	yes		
		Protestant	no			1,500- 5,000	no		
						< 1,500	no		
	Conduct closed hearings	Catholic	yes	New England	yes	< 1,500	yes		
		Protestant	yes	Western	no	1,500- 5,000	yes		
		Public	no			5,000-10,000	yes		
						>10,000	no		
	Conduct procedures may be circumvented	Public	yes			>10,000	yes		
		Catholic	no			5,000-10,000	yes		
		Protestant	no			1,500- 5,000	yes		
						< 1,500	no		
	Maintain record of hearing			Southern	yes				
				Western	yes				
				New England	no				
				North Central	no				
	Make hearing record available to student	Public	yes	Southern	yes				
		Independent	no	Western	yes				
		Catholic	no	New England	no				
		Protestant	no						
	Case investigators serve on hearing body	Catholic	yes	New England	yes	1,500-10,000	yes		
		Protestant	yes	North Central	no	< 1,500	yes		
		Public	no			5,000-10,000	no		
						>10,000	no		
	Previous conduct record of student is considered	Public	yes	New England	yes				
		Independent	yes	Southern	no				
		Protestant	yes						
		Catholic	no						
	Permit appeal of committee action			North Central	yes				
				Southern	yes				
				New England	no				
	Basic rights and procedures are published					<10,000	yes		
						> 1,500	no		

Inform parents of action when student is under 21			Southern	yes			Nonurban Urban	yes no
Inform parents of action when student is over 21	Independent Catholic Protestant Public	yes yes yes no	New England Southern Western	yes yes no	< 1,500 1,500- 5,000 5,000-10,000 >10,000	yes yes no no	Nonurban Urban	yes no
II. Administration of Conduct Records								
Access to conduct records is set forth in a policy	Public Independent Catholic Protestant	yes no no no			>10,000 5,000-10,000 < 1,500	yes yes no		
Conduct notation is removed from transcript	Public Independent Catholic	yes no no	North Central Western New England	yes yes no				
Record is revealed to student	Public Catholic	yes no	Southern New England	yes no				
Record is revealed to governmental agencies			Southern New England	yes no				
Record is revealed to parents	Protestant Public Independent Catholic	yes no no no	Southern	yes				
*Conduct records are maintained:								
Permanently	Independent Catholic	yes no	Southern	yes				
For an extended period of time but not permanently Only until the student graduates	Public Catholic	yes yes			>10,000	yes		
III. Adjudication of Violations of Law								
Student is subject to discipline when civil action has been taken	Public Protestant Independent Catholic	yes yes no no					Nonurban Urban	yes no
*When civil action is pending:								
No action is taken			Western	yes				
Action is taken after court decision	Catholic	yes	New England	yes	< 5,000	yes		
Action is taken without waiting for conduct decision			Southern	yes				
*On-campus violations of law are processed:								
Always by the institution	Protestant	yes	Southern	yes	< 5,000	yes		
By the institution in misdemeanor cases	Catholic	yes	Southern	no				
Always by community police	Public	yes					Urban	yes

S=Significant at or beyond the .05 level of confidence.

*The structure of these three questions prevented chi-square analyses for the subpopulations. Therefore, the results cited pertain to observed trends in the percentage distributions not significant differences.

In general, public institutions more often than other types of institutions provide both the names of witnesses and written notification of the hearing to the accused, whereas Protestant schools differed from other types of institutions by following these policies less frequently. Moreover, public institutions in the Western region regardless of size indicated a frequent "yes" response (approximately 90 per cent) to both questions.

The institutions were asked whether students are given an option of appearing before a judicial body or having their cases handled administratively. The only institutional characteristic which seemed to be related to differences in response was regional location, with the Southern, North Central, and especially the New England institutions had a significantly higher positive response. On the other hand, institutions in the Western region more often do not grant the option of allowing a case to be processed administratively or by a judicial body.

Public institutions more often allow students legal counsel in hearings than do independent or Protestant schools. One might conjecture that public institutions are more sensitive to legal considerations and thus more willing to permit students to take advantage of legal safeguards. Similarly, Western schools do so significantly more frequently than New England institutions, which gave a consistently significant "no" response regardless of size or type of school, and large schools more frequently than those with enrollments under 5,000. However, the small Protestant schools in the West and small, independent schools in the North Central region also tend to prohibit legal counsel. A notable difference between the public and the small nonpublic schools in the South was observed, with a relatively high percentage of the former permitting legal counsel.

Many more schools permit counsel from within the institution; but the institutional differences are very similar to those pertaining to legal counsel, except that there are no statistically significant regional differences.

Protestant and Catholic schools are more likely to insist that hearings be closed than public institutions, particularly the large public schools in the North Central and Southern regions. In fact, only those schools with enrollments in excess of 10,000 indicated with significant frequency that hearings are not always closed. A higher number of New England institutions maintain a closed hearing policy in contrast to institutions in the Western region.

Public institutions are inclined to circumvent established procedures when they consider it in the best interest of the student and of the institution. Protestant institutions, on the other hand, do not usually deviate from their established procedures regardless of the circumstances. Flexible implementation of conduct procedures occurs more often in larger institutions and significantly less frequently in institutions of under 1,500.

Institutions in the South and West are more likely to maintain hearing records and make them available to the student involved than schools in the New England and North Central areas. The practice of not keeping records predominates in the small, independent and Protestant colleges in New England. Furthermore, small, independent Protestant and Catholic colleges do not release hearing records as readily to students

as do public institutions; the exception here is the large number of small, Protestant schools in the South which frequently allow students access to hearing records.

A variety of differences in response occurred on the question of whether voting members of judicial bodies are involved in the investigatory procedures. Public institutions and North Central schools frequently said "no," Catholic and Protestant schools and New England institutions, "yes." The practice is more evident in the small Catholic, Protestant, and independent colleges, with the exception of the small independent schools in the North Central and Western regions.

Public, independent and Protestant institutions, and institutions in New England are more likely to consider a student's previous record in adjudicating an act of misconduct than Catholic and Southern institutions. A notably large number of small Protestant schools in the West and the large public institutions in the New England region follow this practice.

The question of a student's right to appeal the decision of a judicial body revealed only regional differences. Institutions in the North Central and Southern regions generally grant the right of appeal more often than those in the New England area. The most obvious difference was in the small Catholic schools in the New England region, of which only 65 per cent mentioned that they grant the right of appeal.

The chi-square analysis indicated that publication of basic rights and procedures is more prevalent in institutions of more than 10,000 students and less common in schools with enrollments of 1,500 or less. A review of the data in Tables 16 and 17 reveals that public institutions most frequently follow this practice, especially those with enrollments of over 10,000 students. Larger public institutions in the Western and New England regions answered with high frequency that rights and procedures are distributed in published form. The same was true for Southern public schools, regardless of size.

Although most schools replied that they inform parents of students under age 21 when disciplinary action is taken, the Southern institutions in general follow this policy significantly more often than do the others. For example, the 23 small, Southern, Protestant schools all indicated that they follow this policy. On the other hand, public Western institutions with 10,000 or fewer students least often notify parents of students under 21. The urban and nonurban schools also differ on this matter, the urban schools notifying parents of underage students less frequently than nonurban schools.

The matter of notifying parents of students 21 or older is the issue on which there are the greatest number of significant institutional differences. Public schools tend not to notify parents, an important deviation from the policies of independent and church-related institutions. Western institutions tend not to notify parents of students 21 or older and differ in this respect from schools in New England and the South, especially the latter: only 10 per cent of the large, public, Western schools inform parents of students over 21, as opposed to 95 per cent of the small, Southern, Protestant schools. The larger schools (5,000 and over) tend not to notify parents, whereas the smaller schools do; urban differed similarly from nonurban schools. Although the public schools

as a group are less inclined to notify parents, it is evident that the larger public schools (10,000 and over) do so less frequently than the smaller public schools. For example, 88 per cent of the smaller public schools in the South indicated that they notify parents.

The Administration of Conduct Records–Public schools set forth the conditions of access to student records in a policy statement more frequently than do the independent, Catholic, and Protestant schools. The same is true of larger schools (5,000 and over) in comparison with the smaller schools. The chi-square analysis did not yield significant differences with regard to region or proximity to an urban area. It is worth noting, however, that all public Western schools of more than 10,000 students have such policy statements, whereas, of the small, independent schools in the North Central and Southern regions, only 29 per cent and 22 per cent, respectively, indicated that they had drawn up policy statements.

Institutions differed primarily by region and type on the question of whether notations of disciplinary action are removed from academic transcripts when action is terminated. A significantly greater proportion of the public institutions and significantly fewer independent and Catholic schools remove notations. North Central and Western schools take such action more often than institutions in New England. The exceptions here are the public New England schools with enrollments over 10,000, of which 86 per cent clear the transcript. The small public (10,000 or less) and small Protestant schools (5,000 or less) in the South are less likely to remove disciplinary notations at the conclusion of the disciplinary action.

In releasing information from the student's conduct record, public schools more often and Catholic schools less frequently give the student information from his own record; Southern schools do so more frequently than those in New England. Southern schools are more inclined to release information to governmental agencies than the New England schools. A significant percentage of Protestant schools follow the practice of releasing information to parents, whereas the public, independent, and Catholic schools do so to a lesser extent. Only the Southern institutions differed significantly on regional comparisons, a high percentage of them releasing information to parents. Another interesting comparison among the Western institutions is between the large public schools, of which only 40 per cent release information to parents, and the small Protestant schools, of which 100 per cent give parents information. Schools in the North Central region, both public and small Protestant types, also indicated a fairly high incidence of adherence to the policy of giving data to parents.

Policies regarding the maintenance of conduct records differ primarily by type of institution. Generally, most institutions keep records for an extended period of time, although not permanently. The public institutions follow this policy in the greatest number, except in the South where almost one-half of the schools (41 per cent) maintain records permanently. The small Protestant schools were roughly divided between those that keep records for an extended time and those that maintain them permanently. However, a greater proportion of Protestant schools in the New England and North Central region keep records only until the student graduates. This is also true of the small Catholic schools in the New England and North Central regions.

Moreover, it is important to note that none of the eight large public institutions in the New England region maintain records permanently.

Adjudication of Violations of Law–Public and Protestant institutions more frequently than independent and Catholic schools indicated that a student is subject to disciplinary action even though civil action has already been taken. Similarly, the nonurban schools take additional disciplinary action more often than do urban schools. Institutions in the New England region, with the exception of small Protestant schools, avoid taking action in addition to that administered by civil authorities. Small Protestant schools in the West, however, are inclined to take additional action (64 per cent), in contrast to most other institutions in that region. At the other extreme are the small Protestant schools in the South, 77 per cent of which do not administer disciplinary action after civil action is taken.

Southern schools of all types and sizes are more inclined to take institutional action as soon as possible without waiting for a court decision regarding a civil offense that is pending. The 22 larger schools in the South were the most notable example (36 per cent indicated that they take immediate action). Respondents from large schools in the New England (50 per cent) and Western (55 per cent) regions frequently said that they take no action until a court decision is reached.

Although most institutions acknowledged that they handle violations of civil law on-campus only in cases of misdemeanor offenses, smaller schools, more often than larger schools, handle all on-campus offenses within the institution. Public institutions rely on community law enforcement agencies in processing violations more often than other types of schools. This was particularly true of public schools in the West (27 per cent) and the South (24 per cent). Small Southern independent schools (50 per cent) and small Protestant schools in the Southern (45 per cent) and North Central (49 per cent) regions leaned toward handling all violations within the institution.

A Composite View of Comparison Data–On a substantial number of the items presented (see Tables 9, 16, & 17), public institutions express greater interest in the protection of the student[16] than do private schools, although in some cases the differences were small. On the other hand, Protestant schools seem to have devoted less attention to the development and maintenance of procedures that protect students from mistreatment. To a lesser degree the same is true of independent institutions.

In particular, public institutions demonstrate a greater tendency (a) to provide the names of witnesses against a student and written notification of the time and place of the hearing; (b) to permit legal or other counsel; (c) to maintain a written record of the hearing and to make it available to the student; (d) to permit appeal of committee actions; (e) to specify access to conduct records in a written policy; (f) to remove notations of conduct action from transcripts when penalties are terminated; (g) to

[16]Institutions that show greater commitment to the protection and welfare of the student are defined as those institutions that have accorded more student rights in the adjudication of misconduct cases and in the administration of conduct records. The writers assume that provision for more rights implies greater concern for the protection and welfare of the student.

prohibit distribution of conduct data to noninstitutional sources; (h) to publish, for the student body, student rights and conduct procedures; and (i) to circumvent conduct procedures when circumstances warrant such action. Moreover, public institutions are less inclined to insist on closed hearings, to inform parents of students over 21 years of age of disciplinary actions, and to permit case investigators to serve as voting members of the conduct committee.

When responses are examined on the basis of region (Tables 16 & 17), it is clear that Western institutions demonstrated greater concern for protecting student rights as reflected in their investigatory procedures, hearing procedures, policies on right to counsel, composition of judicial bodies and policies governing release of conduct data, removal of conduct notations from transcripts, publication of student rights and conduct procedures, and appeal of committee actions. The pattern does not hold up on all items and other less pronounced patterns are present; but there is sufficient consistency to support this conclusion.

The level of interest in student welfare found in public institutions and in colleges and universities in the West also held for schools of 10,000 or more. In addition, institutions of 5,000 to 10,000 enrollment reflect greater concern for the student's well-being than institutions of fewer than 5,000. The data seem to indicate that the larger the institution, the greater the likelihood that student rights have been emphasized in the development of adjudicatory procedures.

Southern institutions stood out because of the large number that notify parents of students both under and over 21 years of age regarding disciplinary matters and the great percentage that release conduct record information to parents without student permission. Furthermore, a relatively high percentage of Southern schools handle all violations of civil law within the institution and take immediate institutional action without waiting for court action in cases of off-campus violations of civil law. In contrast, New England schools seemed to be significantly more indifferent to concepts of due process that pertain to internal institutional procedures. For example, New England schools, particularly independent schools, tend not to permit legal counsel, to record hearings, or to make the transcript of the hearing available to the student. Moreover a significantly higher number of institutions in this region allow the individuals who investigate conduct matters to serve as voting members of judicial committees. This region differed from others in not permitting students to appeal decisions of judicial bodies, although this was more evident in the large independent and small Catholic schools. There is also a tendency for New England schools to consider previous conduct records of students when adjudicating violations and, in the case of nonpublic schools, to prohibit students from seeing their own records.

Again, although there were very few urban-nonurban differences, those that were observed consistently indicated that the urban schools are more sensitive to the protection of student rights.

Role of the Dean of Students in the Administration of Discipline

There is little doubt that the role of the dean of students in discipline is being reviewed by members of the student personnel profession as well as by students and faculty. Some feel that the dean's involvement should be modified considerably or that he should not participate at all in the discipline process because such involvement interferes with counseling and other vital functions.

Accordingly, the researchers attempted to determine how NASPA members view their role in the administration of discipline. Each respondent was asked to indicate whether or not his involvement in conduct cases conflicts with any other role he performs as a student personnel administrator. Surprisingly, nearly two-thirds of the respondents feel that the disciplinary function does not interfere with the assumption of other responsibilities. Most of the respondents who felt that the disciplinary function conflicts with other roles said that their participation in discipline interferes primarily with their counseling activities, making it more difficult for students to perceive them as a source of help.

The strong indication that the respondents do not view their disciplinary role as competing with other roles might be explained, in part, by the response on a question dealing with the preferred role of the dean in the processing of conduct cases. Forty-one per cent of the deans replying to this question supported the position that the dean should investigate and present cases to conduct committees without voting privileges; 38 per cent felt that the dean should act on less serious cases and refer serious cases to a conduct committee for final disposition; 13 per cent, that the dean should both present cases and serve as a voting member of the committee; and only two percent, that he should act on all cases without referral to a conduct committee.

Moreover, only six per cent of the respondents viewed the dean's responsibility as one of serving as an advocate for the student without primary investigatory responsibility and the right to participate in the final decision. Most of the respondents, then, favor continuation of the dean's role either in case investigation and presentation without involvement in the final decision or in minor cases, leaving more serious problems to conduct committees for final action.

Summary and Implications

The purpose of this investigation was to collect data on procedures followed in adjudicating student conduct problems in NASPA member institution. In addition, the study was so constructed as to provide information on (a) institutional approaches to the administration of conduct records and the processing of violations of law, (b) the purposes and factors underlying conduct procedures and actions, and (c) the role of the dean of students in the administration of discipline.

The inquiry was essentially a survey of existing procedures and practices; it attempted neither to evaluate the substance of these procedures and practices nor to support a

particular approach to student discipline. The central purpose was to obtain data that would be helpful to student personnel administrators and academic communities in appraising conduct procedures and in making necessary modifications. In addition, it was hoped that the study might identify other dimensions of the administration of discipline on which more intensive research might be initiated.

The data for the investigation were gathered by a questionnaire developed by the writers and refined by the Division of Research and Publications. The instrument was mailed to the 651 NASPA member institutions and *558*, or 86 per cent, of the institutions returned the questionnaire.

A general analysis of frequency and percentage results was performed and a chi-square analysis based on variable classifications of institutional type, size, location (i.e., urban or nonurban) and regional accrediting association was run. Using these data as a foundation, several subclassifications were identified, and the responses of these subgroupings on selected items were studied.

Major Findings

Investigatory and Hearing Procedures–Generally, there was strong support for procedures designed to protect the rights of the accused and to assure his fair treatment in the resolution of a case. On individual items, the lack of institutional commitment to the standard of due process or the student right represented by the question was evident, but the number of such items was relatively small and the degree of negative responses was usually not substantial.

Most institutions (a) attempt to inform the student of the charges against him, his rights, and the judicial process that will be followed; (2) permit some type of hearing; (c) allow the student to be represented by some type of counsel, to call witnesses, to ask questions of them and the judicial body, and to refuse to answer questions; (d) base decisions only on the evidence presented at the hearing; (e) give the student written notification of the decision and an explanation of the reasons for any action; and (f) grant the right of appeal.

A number of other items elicited considerable institutional support for principles of due process, although not as uniform as on the items listed above; among these were: (a) providing names of witnesses against a student, a written statement of charges, and written notification of the time and place of the hearing; (b) not restricting the student while action is pending; (c) conducting closed hearings; (d) maintaining records of the hearing; (e) making these records available to the student; (f) granting an appeal automatically; (g) publishing conduct procedures and rights; (h) involving students in the formulation of behavioral standards; and (i) requiring judicial bodies to follow a common set of procedures.

The only items related to investigatory and hearing procedures on which substantial differences appeared among institutions were granting of the option of administrative or committee review, permitting legal counsel, allowing the student not to appear,

informing parents of the action when the student is over 21, circumventing established procedures when circumstances merit it, permitting case investigators to serve as voting members of the conduct committee, and processing academic and nonacademic violations in the same way.

Administration of Student Records—Questions dealing with the administration of records yielded greater variation in response than those related to investigatory and hearing procedures, and institutions generally showed less commitment to protection of the student in this area.

For example, nearly one-half of the institutions do not have published statements on conduct procedures and student rights; do not remove conduct notations from the transcript when disciplinary action is terminated; and release conduct data to governmental agencies and other schools without the permission of the student. In addition, about two-thirds of the institutions indicated that they would consider a student's previous conduct record in assessing a subsequent case even when the previous penalty had been served.

On the other nand, there was indication of substantial concern for protection of the student on some items. Approximately three-fifths of the institutions record only suspension of dismissal action on the academic transcript; four-fifths do not release conduct records to prospective employers without the consent of the student; more than four-fifths reveal the contents of the record to the student involved; and nearly all restrict distribution of information to authorized members of the academic community.

Adjudication of Violations of Law—Once again, concern for protecting the student was illustrated in the responses to the questions related to how institutions deal with infractions of community law. About two-thirds of the institutions do not act against a student disciplined by the court unless the interests of the academic community are clearly involved; nearly two-thirds delay action in cases where their interests are clearly involved until the court has rendered a judgment. In addition, close to three-quarters of the schools either process all on-campus violations of law or misdemeanor cases within the institution. Only a few institutions rely solely on community law enforcement agencies to adjudicate infractions of the law.

Purposes and Factors Underlying Judicial Procedures and Actions—Administrative initiative is the factor most frequently mentioned as instrumental in the development of conduct procedures. Court decisions rank second in importance. Much less significance is attached to student pressure and the influence of professional organizations. Protection of the student from mistreatment and consideration of his developmental needs ranked highest among the purposes behind conduct procedures. Additional purposes stated frequently (but to a lesser degree) were to safeguard the academic community from disruptive behavior, to assure that violations are processed efficiently and consistently, and to maintain campus standards.

The two most important elements in making conduct decisions were the facts of the case (the circumstances surrounding the incident) and the welfare of the student involved. Protection of the institution, the student's previous record, and the impact of the conduct action on the student body were also cited, but much less frequently.

Inter-Institutional Comparisons on Selected Items—Regional location and type of institutional control were by far the most influential factors in determining institutional differences on the items that were analyzed. Size of enrollment was relatively significant; urban or nonurban location played an insignificant role.

The most common pattern observed was that public institutions show the greatest concern for the development of procedures that assure fair treatment of the student. On the other hand, on a number of items Protestant schools seemed to be less inclined to support the implementation of procedures aimed at giving maximum protection to the student.

When responses were analyzed on the basis of region, it was discovered that, Western institutions demonstrate the strongest commitment to procedures designed to assure the respect of basic student rights in the adjudication of conduct problems. Southern institutions are reasonably protective of student rights in adjudication of cases, but show less concern for limiting access to conduct records to members of the academic community and greater inclination to act against a student when off-campus violations occur. New England schools protect students against infringements from noninstitutional agencies but maintain adjudication procedures that are less protective of student rights. Exceptions to these generalizations, however, were noted in certain specific types of schools in both of these regions.

Generally speaking, large institutions evidence more protection than small schools and urban schools more than nonurban institutions, although size and urban-nonurban location seem to influence institutional practices less than region and type of control. In short, concern for protection of the student seems highest among public institutions in the West and among institutions of 5,000 or more students. If an institution is public, located in the West, and large in size, it is more likely that responses regarding its conduct procedures will reflect efforts to assure fair treatment of the student.

Role of the Dean of Students in the Administration of Discipline—Nearly two-thirds of the respondents did not feel that their involvement in discipline conflicts with other functions they perform. Those who held that some conflict exists stated that the processing of conduct cases interferes with counseling and the development of a viable relationship with students.

Most of the respondents felt that the dean should participate in the discipline process but that his role should be limited to either investigation in all cases or to the handling of minor cases, leaving serious problems to a judicial body for final disposition. There was little support for allowing the dean to process all cases without involvement of a conduct committee.

Suggestions for Further Research

The results of this study suggest several areas for further analysis that would not require new or additional data. This monograph has presented only limited observations concerning the differences between the various subgroups. A more detailed examination of the chi-square data and the percentage comparisons among subgroups undoubtedly would provide additional insight into the relationship between approaches to adjudication

of misconduct and institutional type, size, location (i.e., urban or nonurban) and geographical region. In addition, the subgroup analyses included only 26 items out of a total of 79. An expanded investigation including all of the items could yield greater understanding of the extent to which variations in philosophy and procedures exist among institutions within the variable classifications.

It would also be interesting to conduct a cluster analysis to identify possible consistencies of response across several related items. Do certain types of institutions tend to respond in a manner that reflects a particular disposition toward the student and discipline; that is, do they tend to indicate by their answers a relatively high or low commitment to protection of the individual student? From their responses on some items, is it possible to predict how they will respond on others?

Using the data produced by the present study as a basis, several new studies could be designed. The present study compared institutional responses based on only four variables: type, size, location, and region. Other variables such as type of governance and curriculum and degree of academic freedom should be identified and investigated. A new questionnaire should be drawn up containing additional questions in areas of greatest institutional differences as identified by this study. For example, a more detailed examination of policies pertaining to the release of conduct records and the use of legal counsel. It might also be useful to probe in greater depth the purposes of conduct procedures, factors considered in making conduct decisions, and the philosophies underlying adjudicatory schemes.

The data in the present study came from administrators exclusively; a study comparing student, faculty, and administrative perceptions of existing institutional procedures of due process and the foundations of the adjudicatory system would perhaps uncover some fundamental areas of disagreement. An important follow-up study would be an attempt to identify the factors that explain existing institutional differences regarding due process. More specifically, such a study might focus on the process through which the adjudicatory scheme evolved and the factors that contributed to development of the scheme. The central question would be how and why did the system develop?

The present study did not contain sufficient data from community colleges to warrant analysis. Given the rapid increase in the number of community colleges, examination of the bases and nature of due process in these institutions seems desirable.

Much could be learned from a study of the effects of disciplinary procedures and actions on the learning process, on student attitudes and campus morale. Do certain approaches to student discipline tend to contribute more than others to student development and the maintenance of a cohesive and productive academic community?

The current role of the dean of students in discipline and the relationship between his involvement and the effective implementation of other functions deserve more consideration. Moreover, such an investigation should examine the effects of his involvement in particular activities and the way in which he is perceived by other members of the academic community.

Finally, the present study should be repeated in a few years to gain up-to-date information on institutional approaches to discipline and to pinpoint and seek to explain changes in concepts and procedures.

Concluding Remarks

Confrontation between students and college administrators and faculty over what constitutes reasonable due process in conduct cases is bound to increase in the future. Students have begun to use legal means to a greater degree to protest conduct decisions and to exert pressure of administrators to extend the rights of students in behavioral cases. Many young people feel that current attitudes toward the student and his rights in campus conduct matters must be challenged and altered, and that traditional concepts and procedures must be revised to give the individual greater freedom and to protect him from arbitrary, depersonalized actions of institutions.

In addition, professional groups and court decisions will stir up sentiment for change as greater attention is focused on the implementation of maximum safeguards for students. These trends suggest that institutions will be forced to re-evaluate their procedures and practices in light of fundamental standards of due process and to examine the relationship between their approaches to discipline and to student and community development.

The call for change is clear; how will institutions respond? Will they approach the problem by seeking to protect the institution from legal entanglements, by making as few adjustments as possible to stave off the courts and critics, or will they attempt to evolve procedures that are based on fundamental concepts of learning and community development?

Too often institutions have viewed modification of judicial procedures in negative terms; that is, they have acted to muffle discontent rather than to evolve a conduct system that best serves their educational objectives. Too few have taken the time to really explore the objectives and educational foundations of their conduct procedures and to weigh the long-range consequences of changing them.

Whatever the reasons for procedural adjustments, institutions generally seem to have made changes in their handling of misconduct cases that are reasonably in line with the accepted fundamental of due process as reflected in the "Joint Statement on the Rights and Freedoms of Students" and recent court decisions. Moreover, their answers to questions dealing with the purposes and factors underlying conduct procedures reflect a strong commitment to student welfare, and only secondarily a concern for protecting the campus community and controlling disruptive behavior. Of course, data were gathered from deans of students, and it is conceiveable that students on a given campus might perceive the situation differently than the dean of students and might therefore indicate less commitment by the institution to principles of due process and student welfare.

On certain items, the lack of support for the relevant principle of due process was noteworthy. For example, prior to a conduct review, about one-quarter of the institutions do not give the accused the names of witnesses against him and a written statement of charges and the time and place of the hearing. It could be argued that such procedures are unnecessary because the institution has no desire to mistreat students and will protect their interests. Yet, available legal opinion, the literature concerning adjudication of conduct cases, as well as the standards of fair play, in-

dicate that the student should be given every opportunity to know exactly the nature and source of the charges against him. In addition, as a legal protection for the institution, it would seem wise to submit a written statement of charges and the time and place of the hearing to the student.

The study revealed striking differences in policies regarding legal counsel. About one-half of the respondents permit legal counsel, although most other institutions allow the student to select his counsel from the academic community. The proponents of legal counsel would argue that if a student faces possible dismissal, he should be represented by an attorney, because termination, or interruption of his formal education, constitutes a serious economic, social and personal handicap. On the other hand, it could be argued that a conduct hearing is not a full-dress legal proceeding through which a person might lose basic liberties, but rather an educational process to assist the student in personal development and to protect the academic community. In such a process, attorneys could be disruptive and make it difficult to maintain an educational approach to discipline.

Our intent is not to pursue this debate further but rather to point out that as the significance of a college education increases, there will be greater insistence from students, parents, and others that legal counsel, if requested, be allowed in conduct proceedings. There should be no question concerning the student's right to some type of counsel; the institution should give careful thought, however, to the type of counsel that is most suited to its aims and to the welfare of the student. If it elects to allow legal counsel, the institution must be fully aware that it risks interference with educational approaches to the administration of discipline and should attempt to minimize such interference. If an institution decides to limit permissible counsel to a member of the academic community, it must have the support of the campus community and must assure that the student is accorded every opportunity to defend himself. The test for the denial of legal counsel by an institution in a case, should it come to court, would most likely revolve around two basic questions:

Was the student fully aware of the charges and evidences against him?

Was he afforded reasonable opportunity to present a defense?

A number of institutions do not maintain an official written or taped record of conduct hearings; of those institutions that keep such records, one-quarter do not make that record available to the student. In view of the number of conduct decisions being contested in court, it seems highly important that all institutions keep accurate records of their hearings. Moreover, it would appear appropriate to allow the student access to the record of what was said and what evidence was introduced during the hearing. This may not include, of course, availability of a record of the closed deliberations of a conduct committee.

Another point of concern relates to the fact that one-third of the institutions indicated that a staff member who has been involved in preparation of a case against a student is also permitted to function as a voting member of the judicial body. Would there be less chance of charges of manipulation and greater likelihood of an unbiased decision if case preparation were separated from actual adjudication?

Would the dean of students or his representative, who usually prepares cases, be in a better position to help students if he were not a voting member of the committee? Deans of students should give serious thought to these questions.

About one-quarter of the responding institutions do not make available in published form conduct procedures and statements of basic rights that would be respected in the adjudicatory process. Nearly one-half of the institutions do not have policy statements on who is allowed access to student conduct records and for what purposes. Institutions could avoid misunderstandings and charges of manipulation and failure to protect the student if procedures followed in conduct cases and in administering behavioral records were developed in concert with representatives of the academic community and if these procedures were published for the student body.

The data cited concerning records raise some questions about the clarity of the purposes underlying their use. For example, why do 14 per cent of the institutions record all disciplinary actions on the transcript? Why do 48 per cent not remove disciplinary notations when the penalty is terminated? Why do 19 per cent release information to employers and 51 per cent to government agencies without authorization from the student? Why do 12 per cent not allow students to see their own nonacademic records? And why do a substantial number of institutions keep records permanently? What is the institution's obligation to the larger community in describing a student's nonacademic performance? That is, do records exist primarily for internal institutional use or also for use by concerned parties external to the institution? If both are legitimate concerns, which should have priority? At the time of graduation, need any institution feel obligated to provide more evaluation of a student's nonacademic performance than simply to say that receipt of a degree implies that at the time of graduation the student was in good standing?

Still another area of concern is how institutions deal with student violations of the law on and off the campus. The processing of such cases has often resulted in conflict between students and the institution. In many cases, a major cause of student-administrative confrontation is an institutional definition of *in loco parentis* that includes control of the student wherever he goes. This may lead to an arrangement with the local police to refer student misdemeanor cases to the institution for action rather than to use the established legal process or it may provide for both court and institutional action. Whatever the arrangement, students seem to be pressing for the right to be treated as citizens when they are in the community and not to be under the control of the institution. There will no doubt be increasing pressure for noninvolvement of the institution in the community activities of the student; each institution should evaluate its position regarding control of off-campus behavior in light of its educational objectives and philosophy and its peculiar community setting and relationships.

The data in this study indicate that there is substantial variation among institutions concerning their involvement in off-campus violations. Does the range of policies suggest a lack of clarity of purpose or merely divergent educational philosophies? Many schools do avoid taking institutional action when civil action has already been taken. Many are becoming less concerned about the reflection that off-campus student

behavior casts on the image of the institution. It may be that many schools, particularly the large universities, are dropping any pretense of influencing the moral character of students in view of student resistance to institutional control of off-campus misconduct and in view of the increasing number of commuting students who come under the direct control of the institution only when they are on the campus. Is the character-building function of institutions of higher education waning? Is it still a matter of concern only in the church-related colleges and universities?

Another problem relates to what action an institution should take when violations of law occur on the campus. Should the institution protect the student from legal action and process the case itself or should it turn the case over to the court? If infractions are reported to the police, campus administrators may be charged with failure to protect the student. If they do not report the violations, there is danger of public criticism and direct interference of law enforcement agencies in the internal affairs of the institution. Use of drugs has posed the most significant illustration of this dilemma. Once again, it would seem wise for the institution to explore the legal and educational implications of its practices and, after careful discussion with members of the academic community, to evolve appropriate procedures.

It is not only important for the institution to evaluate its conduct procedures and objectives in light of its educational mission and philosophy, but it is also essential that the responsibility for discipline be carefully studied. Who should investigate, prepare, and adjudicate conduct cases? What role should students, faculty, and administrators play in the process? In view of the criticism of the traditional role of the dean of students in discipline, his participation should be re-examined. As stated in the introduction, several institutions across the country have developed governance reports that focus both on overall adjudicatory systems and on the place of deans of students in these schemes. These reports suggest significant restructuring of the dean's participation as well as of the basic approach to the resolution of conduct problems.

Models of The Dean's Role

In light of the appraisal of the dean's role that is already under way on many campuses and the likelihood that other institutions will initiate similar reviews in the future, it seems appropriate to present some models of the dean's role that institutions and deans might use in shaping new procedures for adjudicatory behavior cases.

These models are based on the insights produced by the data presented in this monograph and governance reports from Cornell University, the University of Michigan, and the University of California and other institutions; and the experience of the writers.

a. *Noninvolvement in discipline*–In this model, the dean's traditional role of case investigation and preparation and the administration of discipline would be transferred to another agency in the institution. The dean would then be free to concentrate on helping students solve their problems and profit from their educational experiences. It should be noted that only a few of the respondents favored the position that the dean should not have an active role in discipline. The approach implies that effective

counseling must be confidential and that it cannot remain so as long as the counselor is in any way associated with discipline. If the counselor-disciplinarian is not always free to maintain a confidence, students might not be willing to seek his help; if they did, the counseling relationship might be limited because the student would be unwilling to "open up." This is the philosophical basis of the new judicial approach recommended by the governance commission at Berkeley which recommended that all responsibility for discipline be transferred to a student-faculty conduct court. The court would be "divided into a Preliminary Hearing Division for initial investigation of all cases and final resolution of most cases, and a Trial Division for formal adjudication of these cases where such procedures are required."[17]

The commission at the University of Michigan has recommended that the responsibility for discipline be vested in a student judiciary system with final review in dismissal cases being made by the faculty of the respective colleges. Involvement of the student personnel staff in discipline would be essentially eliminated or greatly reduced.[18]

b. *Involvement limited to case investigation and preparation*–Under this plan, the dean and his staff would investigate conduct problems and submit cases for adjudication to a judicial body. The dean or his representative might be an ex-officio member of this body, but without voting privileges. The action of the committee would be final or subject to the approval of the president of the institution. This model is based on the principle that investigation and prosecution should be separated from adjudication in order to assure fair decisions. It is also argued that if the dean does not actually participate in the decision, he will be in a better position to help the student and to maintain rapport with him. About 40 per cent of the respondents favored this model.

c. *Involvement limited to case investigation and preparation and action in minor cases*–In this model, the dean would perform the role described in the second model, but he would also handle minor cases himself with review by a conduct committee, if a student requested such action. This plan is based in part on the assumption that it is impossible or unnecessary for committees to process all behavioral problems and that the dean, operating under general guidelines set by appropriate campus bodies, can deal effectively with such problems with due respect for fundamental student rights. The student is protected from unfair treatment by the option of review of the dean's action by a conduct committee. In serious cases, the dean would prepare the case and then the final judgment would be made by a conduct committee. The dean would not be a voting member of the committee. Thirty-eight per cent of the respondents supported this position.

This approach is similar to that proposed by the Governance Commission at Cornell University which recommended that the dean of students act as the administrator of

[17]Study Commission on University Governance, *The Culture of the University: Governance and Education*, (University of California, Berkeley, 1968) p. 69.

[18]*Report of the Commission on the Role of Students in Decision Making*, (University of Michigan, Ann Arbor) p. 7.

the institution's conduct code and refer cases of significance to the appropriate campus bodies for adjudication. More specifically, the commission indicated that:

> For nuisance or petty offenses involving mild sanctions as defined in the code, the student could elect to have the administrator of the code decide his case, and if held guilty, to set his penalty in lieu of having his case heard by the adjudicatory bodies. In all other citations for a code offense, the administrator would transmit the citation and records to the appropriate adjudicatory body for action.[19]

d. *Full involvement in the disciplinary process*–According to this model, the dean would act on minor cases and refer those of a more serious nature to a committee on which he might serve as a voting member or even as a chairman; he might even act on problems without referral to a judicial body. He might also have the responsibility for approving the committee's action. Discipline would be essentially the responsibility of the administration and the final authority for discipline would be vested in the dean and the president. The dean might consult with a conduct committee and in most cases accept its decision, but the administration would have the final responsibility for resolution of conduct problems. The assumption behind this model is that it is not necessary to separate case preparation from participation in case disposition and that the dean is at least as qualified if not more so than any other official or body to make decisions concerning conduct problems. It might also be assumed that students and faculty have other more important matters to worry about so why involve them in the disciplinary function. The data gathered did not indicate much support for this model. Only a few deans favored this position and in only about one-third of the institutions did a voting member of the conduct committee participate in case investigation and preparation.

Accepting a Model

The acceptability of each of the above models must be judged in light of basic concepts of learning, institutional objectives, and such practical considerations as unwillingness of faculty to take time away from teaching and research and turnover and lack of experience among students. Basically, each institution must evolve its own model in the context of its traditions and educational mission.

Moreover, each dean must know which model permits him to make the greatest contribution to his institution. There will be continuing pressure to modify or limit the dean's involvement in discipline, and he must be prepared to respond wisely and constructively. It would seem that his response could be more effective if he has given considerable thought to the following questions:

1. What are the most essential functions of the dean of students? Does he currently perform certain functions that might best be assumed by someone else in the institution? Are some of his functions essentially incompatible?

[19] Allan P. Sindler, *Report of the University Commission on the Interdependence of University Regulations and Local, State and Federal Law*, (Cornell University, Ithaca, New York, 1968), pp. 8-9.

2. What is the purpose of institutional involvement in discipline? What is the relationship between disciplinary procedures and decisions, on the one hand, and the fulfillment of educational objectives, on the other? If the primary objective is to contribute to student development, what disciplinary approach is most desirable? If another important objective is to create an effective educational community, what type of disciplinary program should be evolved?

3. Should the disciplinary function be viewed as an administrative or community responsibility? What role should students, faculty, and staff play in the administration of discipline?

4. What fundamental student rights should be provided for in the adjudication of conduct problems? What judicial procedures are necessary to assure fair play and protection of the individual and other members of the academic community? Where should the line be drawn between educational and legal approaches? Is it necessary to follow regular court procedures? Are there ways in which student and institutional rights can be protected without resorting to the adversary procedure used in the courts? If we must turn to the courts to solve our differences, will this create mistrust and shatter personal relations? Will increasing reliances on the courts lead to institutional paralysis and to the interference by outside groups in the internal affairs of institutions?

There are no simple, clear-cut answers to these questions, and each of us must seek his own answers in light of his values and convictions; and the educational objectives and environmental realities of his institution. The important point is that answers must be sought before it is too late or before we are forced to accept policies and structures that do not reflect our convictions and knowledge.

The Shift of Authority

In our efforts to evolve the best approach to discipline, there is an important reality that we must comprehend: there will be less authority and power vested in the student personnel administrator as more institutions move closer to community government and community-based judicial systems or at least to governance and adjudicatory arrangements that involve strong participation of community representatives.

In many institutions, there is considerable pressure for greater community involvement in policy development and in the adjudication of conduct problems. This may threaten some of us because under community-based decision-making our legal power and authority would be limited and our effectiveness in the community would stem primarily from our expertise in student affairs, our intellectual qualities, and our general administrative and organizational skills. We would be forced to rely on knowledge skill and persuasion rather than on clearly defined authority.

To be effective in the future and possibly even to survive, we must become experts in human development—educators who, by virtue of special insight, knowledge and perspective are able to contribute in unique and basic ways to the development of the student and to the attainment of institutional purposes.

It is our hope that this study will provide a basis for answers to some of the questions presented and that this report has stimulated interest in reappraising policies and in making necessary adjustments.

It is our hope also that we have challenged deans of students to examine their role in discipline and to consider adjustments that might permit them to contribute more fully to the learning process. Through such evaluations and alterations, our profession can perhaps perform a more significant role in establishing an educational environment in which the student is treated with due respect for his special needs; and in which he has sufficient freedom to test and to think within a framework of social responsibility.

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APPENDIX A

Questionaire

INSTITUTIONAL APPROACHES TO THE ADJUDICATION OF

STUDENT MISCONDUCT

This study is being conducted by the Division of Research and Publications to gather data on the procedures and practices followed by NASPA member institutions in processing cases of student misconduct. It is requested that you answer the questions presented below as accurately and completely as possible. *Please return the completed questionnaire to Thomas B. Dutton, Dean of Students, 202 Wilson Hall, Oakland University, Rochester, Michigan 48063, by December 22.*

If the construction of any item does not allow you to respond in the manner requested, please record your qualifying remarks on the last page of this instrument.

A. *Descriptive Data*

1. Title of person completing this questionnaire: _____
2. Type of institution:
   ____Public Liberal Arts College
   ____Public University
   ____Independent Liberal Arts College
   ____Independent University
   ____Church-related College or University (Catholic)
   ____Church-related College or University (Protestant)
   ____Teachers College
   ____Technical Institution
3. Total Enrollment:
   ____Less than 1500 ____1500 to 5000 ____5000 to 10,000 ____More than 10,000
4. Please indicate the approximate percentage of men and women students at your institution. ____Men ____Women
5. Please indicate the approximate percentage of students living:
   ____On campus ____In the community ____At home
6. Is your institution located in or adjacent to a large metropolitan area?
   Yes____ No____

7. Regional Accrediting Association:
   ____New England or Middle Atlantic
   ____North Central
   ____Southern
   ____Western or North Western

Please respond to the questions in sections B and C by giving *two* answers to each item. Respond in terms of cases that may require action resulting in dismissal and cases that may result in action that is something less than dismissal.

B. *Investigation of Misconduct*	DISMISSAL CASES		LESS THAN DISMISSAL CASES	
	Yes	No	Yes	No
1. Prior to any action is the student:				
a. Interviewed by an appropriate institutional official?	a.____	____	a.____	____
b. Verbally informed of the details of the misconduct charge?	b.____	____	b.____	____
c. Provided with names of witnesses against him?	c.____	____	c.____	____
d. Informed of the existing judicial process and his rights therein?	d.____	____	d.____	____
e. Provided with a written statement of the charges against him specifying the regulation(s) violated?	e.____	____	e.____	____
f. Provided with written notification of time and place of any hearing?	f.____	____	f.____	____
2. Are any restrictions placed on the student while action on a conduct violation is pending (excluding situations when status must be altered for reasons of well-being to himself and others)?	2.____	____	2.____	____

C. *Hearing Procedures*

1. Is the student:				
a. Given the option of having his case handled by either an administrative office or a judicial body regardless of the offense?	a.____	____	a.____	____

b. Entitled to be accompanied at the hearing by:				
1) Legal counsel?	1)____	____	1)____	____
2) Any other counsel of his choice (faculty, staff, students, etc.)?	2)____	____	2)____	____
c. Permitted to call witnesses in his behalf?	c.____	____	c.____	____
d. Permitted to elect not to appear in person before the judicial body conducting the hearing?	d.____	____	d.____	____
e. Entitled to refuse to answer questions (without this refusal implying guilt)?	e.____	____	e.____	____
f. Entitled to ask questions of the judicial body and witnesses?	f.____	____	f.____	____
2. Are judicial hearings:				
a. Always public?	a.____	____	a.____	____
b. Public (unless the student requests a closed hearing)?	b.____	____	b.____	____
c. Always closed?	c.____	____	c.____	____
3. Would your judicial body ever base its final judgment on statements against the student if he has not been advised of the content and source of the statements and not had the opportunity for rebuttal?	3)____	____	3)____	____
4. Are the proceedings of a judicial hearing recorded in some form (taped, written, etc.)?	4)____	____	4)____	____
If yes, is the record available to the student?	____	____	____	____
5. Is any voting member of the judicial body involved in the investigation and preparation of the case against the student?	5)____	____	5)____	____

6. Is the student provided with written notification of the final decision?	6)____	____	6)____	____
7. Are the student's parents informed of the action taken when he is:				
a. Under 21?	a.____	____	a.____	____
b. 21 or over?	b.____	____	b.____	____
8. Is the student entitled to an explanation of the reasons for the decision against him?	8)____	____	8)____	____
9. Is the student permitted the right of appeal to higher authorities when the decision is made by:				
a. An administrative officer?	a.____	____	a.____	____
b. A judicial body?	b.____	____	b.____	____
10. What conditions must a student fulfill before an appeal is granted?				
a. Must show that he did not receive a fair hearing.	a.____	____	a.____	____
b. Must show that certain relevant evidence was not reviewed.	b.____	____	b.____	____
c. Must submit new evidence.	c.____	____	c.____	____
d. An appeal is automatically granted if requested.	d.____	____	d.____	____

11. Are acts of academic dishonesty (cheating on exams, plagiarism, etc.) processed in the same way as general student misconduct? Yes____ No____
If no, please describe the differences.

D. *Composition of Judicial Bodies*

1. Does your top level judicial body include administrative personnel?
Yes____ No____

2. Do students serve on your top level institutional judicial body?
Yes____ No____

If yes, are they:

____a. Selected by vote of the student body?

____b. Appointed by a student government body?

____c. Appointed by administrators from a list supplied by a student government body?
____d. Appointed by the administration?
____e. Other_____

3. Do faculty members serve on your top judicial body? Yes____ No____
If yes, are they:
____a. Elected by the faculty?
____b. Appointed by an official faculty body (senate, council, etc.)?
____c. Appointed by the administration?
____d. Other_____

4. Are all judicial bodies obliged to implement a common set of procedural guidelines in the adjudication of student misconduct? Yes____ No____
If no, please explain.

E. *Administration of Conduct Records*

1. Are the conditions of access to student records set forth in a policy statement?
Yes____ No____

2. Do academic transcripts contain:
____a. Information of all disciplinary action?
____b. Only information on academic disciplinary actions?
____c. Only information on suspension or dismissal action?

3. Is the notation on the transcript removed when the disciplinary action is terminated?
Yes____ No____

4. Is a student's previous conduct record considered in the adjudication of subsequent violations of campus regulations:

	Yes	No
a. When the disciplinary action is in effect?	a.____	____
b. When the disciplinary action has been terminated?	b.____	____

5. As a matter of policy is information in the conduct record revealed to:

a. The student for whom the record exists?	a.____	____
b. Authorized faculty?	b.____	____
c. Authorized administrative personnel?	c.____	____
d. Unauthorized members of the campus community?	d.____	____
e. Prospective employers?	e.____	____
f. Governmental agencies (FBI, military, etc.)?	f.____	____
g. Other schools (for transfer purposes)?	g.____	____
h. Parents?	h.____	____

6. Are conduct records maintained?
____a. Permanently?
____b. For an extended period beyond graduation but not permanently?

____c. Only until the student graduates?
____d. Only while the disciplinary action is in effect?

F. *General Information*

1. Is the following information readily available in published form to the student body?
   a. Standards of behavior which the institution considers essential to its educational mission and for the general welfare of the academic community?
      Yes____ No____
   b. Procedures and student rights observed in adjudicating violations of campus regulations? Yes____ No____
2. Did the student body participate in the formulation of the standards of behavior which your institution considers essential to its educational mission and community life? Yes____ No____
3. Is the student subject to official disciplinary action in cases where civil action has already been taken (except when the institution's interests are clearly involved)?
   Yes____ No____
4. If a student has been charged with a violation of law by civil authorities and action is pending will your school: (check one)
   ____a. Take no action?
   ____b. Act only after the court has rendered a decision?
   ____c. Take action as soon as possible without waiting for the court to act?
5. What factors have been most instrumental in the development of your current judicial procedures? (e.g. court decisions, student pressure, etc.)

6. What is the purpose of your judicial *procedures:*
   (Please *rank* the following statements in their order of importance.)
   ____a. To protect the student from unfair treatmant.
   ____b. To assure that the academic community is protected from disruptive behavior.
   ____c. To assure that violations are dealt with efficiently and consistently.
   ____d. To assure that campus standards are maintained.
   ____e. To protect the institution from lawsuit.
   ____f. To assure that the student's developmental needs are considered.

7. Please list in order of importance those *factors* that are considered in arriving at a decision in a case of misconduct.

8. Do you feel that your involvement in conduct cases conflicts with any other roles you perform as a student personnel administrator?
   Yes____ No____ If yes, please explain.

9. What should be the role of the personnel staff in processing conduct cases? (Check those statements that reflect your feeling.)
   ____a. Investigate and present cases to conduct committee without voting privileges?
   ____b. Investigate and present cases to conduct committee without voting privileges?
   ____c. Act on all cases without referral to conduct committee?
   ____d. Act on less serious cases with referral of serious cases to conduct committee?
   ____e. Act as an advocate for the student without primary investigatory responsibility and the right to participate in the final decision?
   ____f. Other_____

10. Are existing procedures of due process ever circumvented because of the nature of the cases? Yes____ No____ If yes, please explain.

11. Are on-campus violations of civil law handled:
    ____a. Always by the institution?
    ____b. By the institution in misdemeanor cases?
    ____c. Always by community law enforcement agencies?

In the space below, please add any qualifying remarks for any items you were unable to answer in the manner requested.

APPENDIX B

Supplementary Tables

TABLE 10
Types of Institutions

Category	Per Cent (N=555)
Public Liberal Arts College	10
Public University	28
Independent Liberal Arts College	12
Independent University	7
Church-Related College or University (Catholic)	14
Church-Related College or University (Protestant)	21
Teachers College	3
Technical Institution	2
Junior College	3

TABLE 11
Institutional Sizes

Category	Per Cent (N=556)
Enrollment Less Than 1,500	33
Enrollment 1,500 to 5,000	32
Enrollment 5,000 to 10,000	16
Enrollment More Than 10,000	19

TABLE 12
Place of Residence of Students

Category	Percentage On-Campus (N=511)	Percentage in the Community (N=470)	Percentage at Home (N=485)
0-29 per cent	17	66	55
30-49 per cent	21	23	16
50-69 per cent	25	7	14
70-89 per cent	24	2	9
90-100 per cent	13	2	6

TABLE 13
Regional Accrediting Associations

Category	Per Cent (N=549)
New England or Middle Atlantic	30
North Central	40
Southern	19
Western	11

TABLE 14
Enrollment Comparison by Sex

Percentage of Men	Per Cent (N=542)	Percentage of Women
Less Than 30	6	70 or greater
30-49	10	50-69
50-69	58	30-49
70 or greater	26	Less Than 30

TABLE 15
Chi-Square Comparisons By Geographical Region, and Institutional Type, Size, and Location

Category	Type X^2		Region X^2		Size X^2		Location X^2
I. Investigatory and Hearing Procedures	df=8		df=8		df=8		df=4
Give names and witnesses	16.91	S	7.16		12.66		1.58
Provide written notification of time and place of hearing	24.33	S	16.63	S	12.57		2.98
Grant option of administrative or committee review	9.75		19.08	S	6.07		3.84
Permit legal counsel	36.80	S	19.05	S	29.82	S	1.83
Permit other counsel	26.29	S	7.03		18.71	S	5.20
Conduct closed hearings	17.62	S	24.31	S	21.95	S	5.85
Conduct procedures may be circumvented	20.00	S	1.67		17.74	S	6.31
Maintain record of hearing	12.85		19.64	S	8.09		4.96
Make hearing record available to student	19.65	S	18.40	S	9.47		5.40
Case investigators serve on hearing body	31.65	S	17.21	S	19.53	S	5.45
Previous conduct record of student is considered	18.66	S	27.40	S	12.35		6.09
Permit appeal of committee action	10.79		16.40	S	1.17		4.13
Basic rights and procedures are published	13.87		11.18		16.42	S	1.28
Inform parents of action when:							
student is under 21	11.38		26.30	S	10.48		16.52
student is over 21	60.13	S	22.55	S	71.22	S	12.86
II. Administration of Conduct Records							
Access to conduct records is set forth in a policy	22.57	S	13.91		17.53	S	5.63
Conduct notation is removed from transcript	17.11	S	39.09	S	12.17		3.30
Record is revealed to:							
student	22.49	S	25.62	S	11.37		5.05
governmental agencies	11.68		17.21	S	8.79		3.19
parents	19.91	S	16.52	S	15.10		4.73
	df=16		df=16		df=16		df=8
*Length of time which conduct records are maintained	30.16	S	26.08		**26.82	S	6.81
III. Adjudication of Violations of Law	df=8		df=8		df=8		df=4
Student is subject to discipline when civil action has been taken	21.94	S	8.12		5.05		15.63
	df=12		df=12		df=12		df=6
*Degree of immediacy of institutional action when civil action is pending	20.61		21.07		27.01	S	11.38
	df=16		df=16		df=16		df=8
*Manner in which on-campus violations of law are processed	28.65	S	20.04		35.12	S	14.45

S=Significant at or beyond the .05 level of confidence.

*Each of the three multiple choice items has only one chi-square value because the responses could not be analyzed separately. Therefore, a significant chi-square value indicates that there was greater variation of response to the alternatives to a question than would be expected from chance.

**Although the obtained value slightly exceeded the table chi-square value (26.296) the significance is suspect because a small N in one of the cells probably inflated the obtained value.

TABLE 16

Percentage Comparisons by Region and Institutional Type and Size

Category	Type of Institution: Public (N=210) yes	no	Catholic (N=77) yes	no	Independent (N=101) yes	no	Protestant (N=117) yes	no
	Per Cent		Per Cent		Per Cent		Per Cent	
I. Investigatory and Hearing Procedures								
Give names of witnesses	80	20	72	28	73	27	60	40
Provide written notification of time and place of hearing	86	14	74	26	71	29	67	33
Grant option of administrative or committee review	42	58	38	62	36	64	44	56
Permit legal counsel	62	38	51	49	38	62	32	68
Permit other counsel	93	7	93	7	82	18	76	24
Conduct closed hearings	74	26	92	8	84	16	87	13
Conduct procedures may be circumvented	73	27	63	37	64	36	50	50
Maintain record of hearing	75	25	76	24	64	36	66	34
Make hearing record available to student	84	16	69	31	64	36	66	34
Case investigators serve on hearing body	18	82	46	54	37	63	40	60
Previous conduct record of student is considered	67	33	60	40	69	31	66	34
Permit appeal of committee action	94	6	80	20	89	11	93	7
Basic rights and procedures are published	86	14	75	25	73	27	69	31
Inform parents of action when:								
student is under 21	90	10	90	10	89	11	94	6
student is over 21	46	54	76	24	69	31	83	17
II. Administration of Conduct Records								
Access to conduct records is set forth in a policy	64	36	47	53	47	53	46	54
Conduct notation is removed from transcript	57	43	51	49	45	55	48	52
Record is revealed to:								
student	90	10	82	18	88	12	95	5
governmental agencies	47	53	52	48	45	55	55	45
parents	70	30	75	25	73	27	85	15
*Conduct records are maintained:								
permanently	28		14		36		29	
beyond graduation but not permanently	50		44		41		41	
until graduation	17		29		16		24	
only while action is in effect	5		11		6		6	
III. Processing of Violations of Law								
Student is subject to discipline when civil action has been taken	42	58	26	74	31	69	44	56
*When civil action is pending:								
no action is taken:	21		18		18		16	
acts after court decides case	55		62		54		58	
acts without waiting for court to decide case	18		15		21		22	
depends on the merits of the case	6		5		7		3	
*On-campus violations are processed:								
by the institution	22		25		28		36	
by the institution in misdemeanor cases	45		58		48		50	
always by community police	15		9		10		7	
depends on the merits of the case	18		8		14		7	

*The percentages on these three items sometimes do not total 100% because of rounding and in a few cases, key punch errors.

Region								Institutional Size						Location			
New England Mid-Atlantic (N=162)		North Central (N=222)		Southern (N=102)		Western (N=63)		Less than 5,000 (N=359)		5,000 to 10,000 (N=91)		More than 10,000 (N=106)		Urban (N=294)		Non Urban (N=256)	
yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no
Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent	
72	28	72	28	72	28	78	22	68	32	77	23	80	20	74	26	70	30
81	19	76	24	75	25	80	20	71	29	84	16	86	14	81	19	75	25
39	61	42	58	41	59	25	75	40	60	43	57	34	66	41	59	36	64
40	60	50	50	51	49	65	35	43	57	54	46	73	27	51	49	46	54
84	16	87	13	88	12	87	13	83	17	90	10	95	5	89	11	83	17
87	13	81	19	83	17	71	29	86	14	87	13	66	34	81	19	85	15
61	39	67	33	62	38	61	39	60	40	69	31	71	29	68	32	58	42
65	35	67	33	79	21	79	21	67	33	78	22	74	26	72	28	67	33
68	32	78	22	79	21	77	23	71	29	80	20	82	18	77	23	77	23
40	60	31	69	32	68	26	74	40	60	24	76	19	81	37	63	29	71
74	26	68	32	54	46	68	32	66	34	69	31	70	30	63	37	71	29
82	18	92	8	92	8	87	13	88	12	88	12	89	11	86	14	90	10
71	29	76	24	81	19	84	16	73	27	78	22	86	14	75	25	78	22
91	9	90	10	97	3	85	15	92	8	83	17	92	8	87	13	95	5
63	37	64	36	71	29	44	56	44	56	49	51	33	67	58	42	67	33
57	43	55	45	44	56	67	33	49	51	63	37	66	34	58	42	52	48
43	57	59	41	42	58	53	47	48	52	52	48	63	37	54	48	48	52
84	16	88	12	92	8	87	13	89	11	82	18	89	11	88	12	87	13
46	54	50	50	66	34	45	55	52	48	47	53	52	48	48	52	54	46
75	25	76	24	81	19	71	29	79	21	70	30	69	31	74	26	77	23
26		22		40		24		28		27		25		26		28	
43		50		40		49		41		49		59		42		50	
25		19		15		19		23		21		11		23		17	
5		8		4		8		8		2		5		8		5	
32	68	43	57	40	60	36	64	36	64	41	59	43	57	32	68	47	53
17		21		12		27		18		23		20		23		16	
62		55		56		48		61		46		50		57		56	
16		18		28		16		18		20		22		15		22	
5		6		4		9		3		11		8		5		6	
28		25		34		18		31		20		20		25		30	
47		52		39		48		46		48		51		47		43	
11		9		17		16		13		8		11		14		7	
14		14		10		18		10		24		17		14		20	

TABLE 17

Percentage Comparison by Sub-Populations Based on Control, Size and Region

Category	Protestant 5,000 or less								Public 10,000 or less							
	New England Mid-Atlantic (N=17)		North Central (N=60)		Southern (N=23)		Western (N=11)		New England Mid-Atlantic (N=38)		North Central (N=46)		Southern (N=32)	
	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no
	Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent	
I. Investigatory and Hearing Procedures														
Give names of witnesses	52	48	64	36	55	45	40	60	75	25	70	30	77	23
Provide written notification of time and place of hearing	81	19	64	36	61	39	64	36	84	16	87	13	88	12
Grant option of administrative or committee review	59	41	44	56	30	70	40	60	38	62	47	53	53	47
Permit legal counsel	40	60	32	68	28	72	27	73	46	54	53	47	60	40
Permit other counsel	76	24	69	31	83	17	64	36	86	14	84	16	90	10
Conduct closed hearings	94	6	86	14	95	5	73	27	76	24	84	16	77	23
Conduct procedures may be circumvented	50	50	55	45	47	53	44	56	68	32	71	29	65	35
Maintain record of hearing	53	47	64	36	74	26	73	27	72	28	67	33	74	26
Make hearing record available to student	60	40	69	31	89	11	56	44	85	15	91	9	79	21
Case investigators serve on hearing body	56	44	33	67	43	57	45	55	30	70	30	70	25	75
Previous conduct record of student is considered	65	35	72	28	60	40	91	9	75	25	60	40	63	37
Permit appeal of committee action	88	12	93	7	87	13	100	–	86	14	93	7	83	17
Basic rights and procedures are published	65	35	71	29	71	29	64	36	68	32	81	19	91	9
Inform parents of action when:														
student is under 21	94	6	90	10	100	–	100	–	92	8	85	15	90	10
student is over 21	88	12	83	17	95	5	64	36	50	50	51	49	88	12
II. Administration of Conduct Records														
Access to conduct records is set forth in a policy	47	53	46	54	43	57	55	45	61	39	67	33	50	50
Conduct notation is removed from transcript	43	57	54	46	27	73	64	36	50	50	53	47	32	68
Record is revealed to:														
student	82	18	88	12	86	14	82	18	92	8	87	13	97	3
governmental agencies	44	56	48	52	68	32	82	18	47	53	41	59	77	23
parents	75	25	87	13	90	10	100	–	94	6	85	15	83	17
*Conduct records are maintained:														
permanently	25		25		31		45		26		16		52	
beyond graduation but not permanently	31		42		41		36		42		59		35	
until graduation	44		27		23		0		26		18		10	
only while action is in effect			6		5		18		5		7		3	
III. Processing of Violations of Law														
Student is subject to discipline when civil action has been taken	59	41	42	58	23	77	64	36	26	74	52	48	52	48
*When civil action is pending:														
no action is taken	20		16		19		20		24		26		10	
acts after court decides case	47		63		57		50		68		50		61	
acts without waiting for court to decide case	33		18		24		30		5		17		26	
depends on the merits of the case			4								7		3	
*On-campus violations of law are processed:														
by the institution	25		42		41		18		30		20		31	
by the institution in misdemeanor cases	44		49		45		55		18		51		38	
always by community police	6		5		14		9		15		7		24	
depends on the merits of the case	25		4				18		36		22		7	

*Data for a few subpopulations are not presented because of their very small N.

												Independent 5,000 or less						Independent 5,000 or more		Catholic 5,000 or less					
Western (N=24)		New England Mid-Atlantic (N=8)		North Central (N=43)		Southern (N=22)		Western (N=11)		New England Mid-Atlantic (N=39)		North Central (N=25)		Southern (N=9)		Western (N=7)		New England Mid-Atlantic (N=13)		New England Mid-Atlantic (N=34)		North Central (N=29)			
yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no		
Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent		Per Cent			
96	4	100	–	78	22	76	24	82	18	76	24	65	35	78	22	71	29	64	36	72	28	74	26		
96	4	75	25	85	15	77	23	91	9	82	18	71	29	56	44	43	57	77	23	77	23	73	27		
29	71	63	37	33	67	41	59	18	82	37	63	50	50	50	50	0	100	15	85	45	55	46	54		
75	25	38	62	68	32	77	23	73	27	38	62	23	77	38	62	71	29	31	69	37	63	52	48		
96	4	88	12	98	2	91	9	100	–	77	23	83	17	88	12	71	29	92	8	86	14	100	–		
70	30	83	17	62	38	67	33	70	30	86	13	77	23	89	11	80	20	92	8	95	5	100	–		
67	33	75	25	80	20	80	20	64	36	59	41	73	27	75	25	60	40	50	50	62	38	63	37		
83	17	75	25	60	40	95	5	91	9	47	53	81	19	71	29	71	29	69	31	73	27	74	26		
93	7	83	17	80	20	81	19	80	20	45	55	78	22	50	50	83	17	67	33	69	31	74	26		
5	95	12	88	16	84	14	86	27	73	45	55	30	70	67	37	29	71	23	77	50	50	42	58		
71	29	83	17	79	21	50	50	73	27	79	21	62	38	44	56	57	43	69	31	78	22	63	37		
95	5	88	12	92	8	86	14	90	10	100	–	80	20	100	–	83	17	69	31	65	35	89	11		
92	8	100	–	85	15	82	18	90	10	70	30	75	25	78	22	86	14	62	38	82	18	78	22		
79	21	100	–	95	5	95	5	91	9	92	8	96	4	89	11	71	29	85	15	91	9	89	11		
25	75	50	50	38	62	33	67	10	90	70	30	75	25	89	11	71	29	50	50	77	23	78	22		
75	25	75	25	66	34	50	50	100	–	46	54	29	71	22	78	43	57	85	15	52	48	52	48		
59	41	86	14	67	33	59	41	73	27	32	68	50	50	63	37	60	40	44	56	44	56	65	35		
88	12	88	12	90	10	95	5	91	9	86	14	91	9	100	–	100	–	67	33	90	10	82	18		
35	65	13	87	56	46	50	50	55	45	36	64	57	43	75	25	29	71	58	42	53	47	56	44		
65	35	100	–	93	7	77	23	40	60	70	30	77	23	78	22	86	14	64	36	85	15	64	36		
13		0		26		41		10		42		26		50		71		23		10		23			
48		63		67		45		70		34		48		50		–		46		50		42			
30		25		2		14		20		18		77				29		23		35		23			
9		12		5						5		9				–		8		5		8			
35	65	25	75	53	47	50	50	30	70	26	74	36	64	30	50	14	86	38	62	29	71	32	68		
21		50		15		4		55		14		18		14		43		23		5		25			
58		50		53		55		36		63		68		29		29		38		68		58			
13				27		36		9		20		14		57		14		15		21		13			
8				5		5				3						14		23		5		4			
17		43		14		33		10		32		24		50		43		17		11		27			
43		43		57		43		36		41		57		25		29		66		74		53			
17		0		10		14		27		9		10		12		14		17		5		12			
22		14		20		10		27		18		10		12		14				11		8			